



TOWN OF PARADISE

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March 1, 2019

Peter Bibring
American Civil Liberties Union
of Southern California
1313 W. 8th Street
Los Angeles, CA 90017
prarequest@aclusocal.org

RE: Paradise Public Records Request received January 15, 2019

Dear Mr. Bibring:

Your request for Paradise Police Department records, received on January 15, 2019, has been referred to me for legal review.

After reviewing the current provisions of California Penal Code section 832.7, I have determined that the amendments to section 832.7 are not retroactive as to police records that pre-date January 1, 2019. As you know, newly adopted statutes are prospective in nature rather than retroactive. As such, the Town of Paradise will not make available the Paradise Police Department records that existed before January 1, 2019. However, the Town will make available such records after January 1, 2019. A thorough review of Paradise Police Department records did not identify any such records.

Several cases currently pending in the California superior courts raise the issue whether SB 1421 requires the disclosure of records relating to conduct occurring before January 1, 2019, which is the effective date of SB 1421. In two of those cases, the courts have directed local law enforcement agencies not to disclose documents until further proceedings on the issue. (*Los Angeles Police Protective League v. City of Los Angeles* (Super. Ct. Los Angeles County, 2018, No. 18-STCP-03495; *Richmond Police Officers' Association v. City of Richmond* (Super. Ct. Contra Costa County, 2019, No. 19-0169).

Therefore, until the legal question of retroactive application of the statute is resolved by the courts, the public interest in not disclosing these records is clearly outweighed by the public's interest in protecting privacy rights. (Gov. Code, § 6255.)

Sincerely,

A handwritten signature in black ink, appearing to read "Dwight L. Moore". The signature is fluid and cursive, with the first name "Dwight" being more prominent.

Dwight L. Moore
Town Attorney

cc: Town Council
Lauren M. Gill, Town Manager
Paradise Police Department